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10/633,062

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Christopher J. Dyl

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EXAMINER

LEIVA, FRANK M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/633,062	Applicant(s) DYL, CHRISTOPHER J.	
	Examiner FRANK M. LEIVA	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. The examiner acknowledges claim independent claims 1, 6, 13 and 20-21 amended in the applicant's submission filed 07 December 2007.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-19 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US 6,443,843 B1), in view of Nakano (US Pub. 2002/0120667 A1).**

4. Walker discloses a betting game where upon winning, the prize is a product which includes upon any type of sale product including Objects, content, media etc.; Nakano discloses a system of controlling distributing of multi-media content such as MPEGs by deleting the content from the storage if the allotted time for use has expired.

5. Regarding claims 1, 6 and 13; Walker discloses a method of providing a product (content, DVDs, CDs, MPEGs, etc.), in an online game, the method comprising: hosting, for transmission, of product certificates (multi-media content) designated as goal-activated content; transmitting the goal-activated content to the client upon a client request, (col. 1:60- 2:10, col. 2:56-62 and Col. 3:50-56);

Walker fails to disclose the specifics involved in distributing copy protected media; Nakano discloses distributing copy protected media including instructing the client to delete the content stored on the client, (¶ [0061]).

All of the component parts are known in Walker and Nakano the only difference is that dissemination or sale of a copy protected MPEG is describe in the virtue of a WEB store and Walker describe the purchasing or winning of products from a WEB store. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use all available WEB store teachings for the stores used in Walker's invention.

6. **Regarding claims 2, 11 and 14;** Walker discloses wherein transmitting the goal-activated content comprises transmitting the goal-activated content to the client in response to a determination that a player associated with the client has fulfilled a goal, (fig. 8, col. 2:56-62) the goal of course is the winning outcome.

7. **Regarding claims 3, 8 and 16;** Walker discloses receiving a history profile from the client; maintaining a history profile having information about content received from the server and sending the history profile to the server, (col. 10:51-67 and 11:30-39).

8. **Regarding claims 12 and 15;** Walker discloses wherein requesting goal-activated content from the server comprises requesting goal-activated content in response to the fulfillment of the goal, (col. 14:11-22).

9. **Regarding claims 4, 9 and 17;** Walker and Nakano disclose all the limitations of claims 1, 3, 6 and 8 as applied above and Nakano further discloses wherein instructing the client to delete the goal-activated content comprises instructing the client to delete goal-activated content stored on the client in accordance with the history profile, (¶ [0112-117]), wherein the system according to the pause, stop and play commands history calculates how much time is left for viewing the content. It would have been obvious upon reading Nakano to include checking history for proper time periods spent

or history of the account to control the deletion system, allowing the player the flexibility to observe the content at his/hers own timeline. It would be predictable to add the history profile to the time limiting aspect of protected content to the already modified Walker/Nakano invention as declared in claims 1, 6 and 13.

10. **Regarding claim 5;** Walker and Nakano disclose all the limitations of claim 1 as applied above and Nakano further discloses encrypting the goal-activated content prior to transmission to the client, (¶ [0058, 0105]), inherent in MPEG files is coded/encrypted materials for the purpose of limiting play to specific media providers. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use the time encryption method in Nakano to establish the viewable period.

11. **Regarding claims 7 and 19;** Walker and Nakano disclose all the limitations of claims 6 and 13 as applied above and Nakano further discloses wherein receiving an instruction from the server to delete goal-activated content comprises receiving, upon initialization of an executable program, an instruction to delete the goal-activated content, (¶ [0068]), as discussed above, Nakano limitations directed to the deletion of content are introduced into Walkers Web stores and thus would all be predictable included parts of the combination of Walker and Nakano.

12. **Regarding claims 10 and 18;** Walker and Nakano disclose all the limitations of claims 6 and 13 as applied above and Nakano further discloses wherein receiving an instruction from the server to delete goal-activated content comprises receiving an instruction to delete all goal-activated content, (¶ [0006]). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include the "delete all content" feature of Nakano with the Walker/Nakano invention as described in claims 1, 6 and 13 as it would to include all special features taught by Nakano upon reading Nakano's invention. It would be obvious to try all elements taught in the invention in order to attempt to maximize improvement of Walker/Nakano invention making it more versatile and easy to use.

13. **Regarding claim 21;** Walker/Nakano as described above in claims 1, 6 and 13; disclose a method for controlling access to multi-media content by clients in a multiplayer game, the method comprising: maintaining a state for each player in a multiplayer game, (Walker col. Fig. 8); storing multi-media content for distribution to clients associated with the players in the game, including storing content in association with each of a plurality of states that can be reached by at least some of the players, (Walker col. 3:50-58); determining that a first player associated with a first client has reached a first state, and permitting access to said multi-media content by the first player, (Walker fig. 8), wherein the combination is obvious to one of ordinary skill in the art as described above in claims 1, 6 and 13.

14. **Regarding claims 22 and 23;** Walker/Nakano disclose all the limitations of claim 21 as applied above and from which claims 22 and 23 depend on, yet Nakano is silent to the type of content being of goal activated. Walker as disclose above is of analogous art and discloses the achievement of items or content upon the reaching of certain goals. Walker discloses with respect to claim 22; wherein the state for a player comprises a fulfillment of a goal in the game, (col. 2:56-62), where the game is continually judging the state of the player (win/loss) in each stage. Also Walker discloses with respect to claim 23; wherein determining whether the first player associated with the first client has reached the first state comprises determining whether the player has met goal requirements associated with the first state, (col. 2:56-62), (has the player won?). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the well-known goal activated features of Walker into the invention of Nakano in order to be a more interesting and entertaining experience for a subscriber to the WEB store.

15. **Claims 20 is rejected under 35 U.S.C. 103(a) as being obvious over Nakano (US Pub. 2002/0120667 A1), in view of Walker (US 6,443,843 B1).**

16. **Regarding claim 20; Nakano discloses:**

A computer-based multi-media content dissemination-limiting apparatus,
(Abstract).

A non-volatile memory element storing data representative of multi-media
content, (¶ [0056]), hard disk.

A transceiver for receiving a connection request from a remote client on a
network, (¶ [0055]), Internet network connection inherently contains
receivers/transmitters for connection.

A processor for determining that the content is to be transmitted to the client; the
transceiver transmitting the content, (¶ [0075]).

A transceiver transmitting a deletion instruction to the client, (¶ [0068]),
instruction of deletion having been sent.

Nakano is silent to the nature of the content to being goal activated yet it speaks
of being a game content.

Walker discloses designating content as goal-activated content, (col. 17:65-col.
18:2]), disclosing the need for the player to reach a goal or winning the game before
he/she is allowed to that content.

It would have been obvious to one of ordinary skill in the art at the time of
applicant's invention to include the goal activated feature of Walker in Nakano's
invention to make a WEB store more interesting for subscribers. More so both
references describe forms of obtaining products via a WEB store and any combination
of the teachings would be obvious to one of ordinary skill in the art at the time of
applicant's invention and predictable.

Response to Arguments

17. Applicant's arguments, see after-final remarks, filed 24 June 2008, with respect
to the rejection(s) of claim(s) 1-23 in view of Igarashi, have been fully considered and
are persuasive. Therefore, the rejection has been withdrawn. However, upon further
consideration, a new ground(s) of rejection is made in view of Walker and Nakano.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **FRANK M. LEIVA** whose telephone number is (571)272-2460. The examiner can normally be reached on M-Th 9:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714

FML 07/24/2008